

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNIVERSITAS EDUCATION, LLC,)
)
Petitioner/Judgment Creditor)
)
vs.)
)
AVON CAPITAL, LLC,)
)
Respondent/Judgment Debtor,)
)
ASSET SERVICING GROUP, LLC,)
)
Respondent, Garnishee,) Case No. 14-FJ-05-HE
)
SDM HOLDINGS, LLC,)
)
Respondent/Garnishee,)
)
and)
)
AVON CAPITAL, LLC, a Wyoming Limited))
Liability Company,)
)
Intervenor.)

PETITIONER'S MOTION FOR CONSTRUCTIVE TRUST

Pursuant to Fed. R. Civ. P. 69 and 12 O.S. § 850, Petitioner Universitas Education, LLC (“Universitas”) hereby applies for an Order holding that the insurance portfolio nominally held on behalf of SDM Holdings, LLC for the benefit of Avon Capital, LLC, should be held in constructive trust for the benefit of Universitas. In support of this motion Universitas also files a supporting Memorandum of Law and the exhibits attached thereto.

Universitas shows the Court:

1. On August 12, 2014, Universitas obtained multiple judgments totaling \$110,737,073.73, plus post-judgment interest accruing from and after August 12, 2014, and the current balance on the judgment is at least \$26 million;
2. Avon Capital, LLC is jointly and severally liable for the judgments entered on August 12, 2014;
3. The documentary evidence demonstrates that Avon Capital, LLC owns a subsidiary, which nominally holds title to an insurance portfolio;
4. The portfolio nominally owned by SDM Holdings, LLC is not exempt by law from execution; and
5. The insurance portfolio held by SDM was purchased by Avon Capital exclusively with money stolen from Universitas.

THEREFORE, Universitas requests that this Court impose a constructive trust on the insurance portfolio held by SDM for the benefit of Universitas and that SDM deliver the portfolio to Universitas and its counsel.

Respectfully submitted,

/s/ Joseph L. Manson III
Admitted *Pro Hac Vice*
Law Offices of Joseph L. Manson III
600 Cameron Street
Alexandria, VA 22314
Telephone: 202-674-1450
jmanson@jmansonlaw.com
Counsel for Universitas Education, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants on record:

John D. Stiner
Joseph H. Bocock
Alan Rupe
Gerald Green
Melvin McVay
Clayton Ketter
Jeffrey Sandberg
Nanette Kalcik
Joshua Greenhaw
Heidi Long

/s/ Joseph L. Manson III